

RECEIVED

DOCKET FILE FROM ORIGINAL

DEC - 9 1997

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Technical Requirements to Enable)	ET Docket No. 97-206
Blocking of Video Programming Based on)	
Program Ratings)	
)	
Implementation of Sections 551(c), (d) and (e))	
of the Telecommunications Act of 1996)	

**REPLY COMMENTS OF PEOPLE FOR THE AMERICAN WAY
ACTION FUND**

People for the American Way Action Fund (PFAWAF) supports the comments of those organizations that oppose extending the v-chip installation requirement to personal computers. PFAWAF joins them in urging the Commission to unambiguously declare that this requirement applies only to devices that are designed to receive, either over the air or via cable, television signals that contain a vertical blanking interval, and does not apply to computers and other devices without over the air television reception capability, to computers sold without monitors, or to "plug-in" circuit boards.¹

Like all of the commenters who principally addressed this issue, PFAWAF is concerned with the broad language of paragraph 22 of the NPRM in this proceeding. In this paragraph, the Commission notes that computers are being sold "with the capability to view television *and other video programming*" and that the blocking requirements

¹ See *Comments of Media Access Project and the Center for Democracy and Technology*; see also *Comments of the American Civil Liberties Union*, *Comments of the Electronic Frontier Foundation*, and *Comments of the Business Software Alliance*.

0211

should apply to any television receiver, “regardless of whether it is designed to receive video programming that is distributed only through cable television systems, MDS, DBS, *or by some other distribution system.*” (emphasis added)

This language implies that the v-chip requirements may be extended to include personal computers capable of viewing video programming distributed via interactive digital networks such as the Internet. Such an extension would chill the free flow of information in a medium to which the Supreme Court, in *Reno v. ACLU*, has rightfully accorded the broadest First Amendment protection.² The Internet provides an unprecedented opportunity to fulfill the core goals of the First Amendment and the democratic process. By significantly lowering the barriers to the dissemination of diverse viewpoints, the Internet provides a platform for ideas that are generally underrepresented in traditional media. As technologies improve and bandwidth increases, more of this varied information will consist of video programming.

If the Commission requires the installation of v-chips in personal computers to enable blocking of video programming distributed via the Internet, it will set the stage for a government mandated rating system of all Internet content. PFAWAF has opposed the v-chip since its inception, arguing that the government should stay out of the ratings business.³ Rather, PFAWAF supports solutions that truly empower parents to protect their children from inappropriate material in the manner they see fit. In the television context, the v-chip requirements have already stifled the market for a range of different

² *Reno v. ACLU*, 117 S.Ct. 2329 (1997).

³ See, e.g., *Reply Comments of People for the American Way Action Fund, In the Matter of Industry Proposal for Rating Video Programming*, CS Docket No. 97-55 (filed May 8, 1997).

program-blocking technologies that could have better served parents' diverse interests. Instead, they are now presented with the "one size fits all" approach represented by the v-chip and the ratings system devised by the industry.

This approach is even more inappropriate for the Internet. As the Supreme Court made clear in *Reno v. ACLU*, the characteristics of broadcast television that caused the Court to limit its First Amendment protection are totally absent with the Internet. A single ratings system would likely marginalize much of the content for which the Internet provides the only method of distribution, thereby destroying the Internet's potential as a vital tool for free expression. Furthermore, digital media like the Internet provide parents who wish to screen their children from certain content with the flexibility to do so according to their own values.

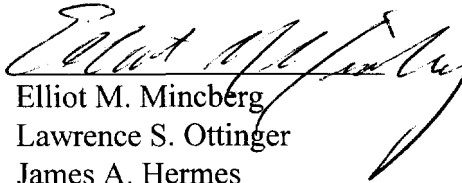
Finally, as several of the commenters in the initial round argued, the proposal to extend the v-chip installation requirement to personal computers contradicts the plain meaning and legislative history of the Telecommunications Act of 1996. Rather than recite those same arguments in these reply comments, PFAWAF refers the commission to the extensive statutory arguments laid out in the comments of the Media Access Project and the Center for Democracy and Technology.⁴ As these comments make clear, the Commission would be overstepping its statutory authority by requiring the installation of the v-chip in personal computers.

⁴ *Comments of Media Access Project and the Center for Democracy and Technology* at 1-12.

CONCLUSION

PFAWAF urges the Commission to refrain from violating its statutory mandate and constitutional authority by extending an ill-conceived requirement for the broadcast medium to the Internet, where it would inflict even more harm on free expression.

Respectfully submitted,



Elliot M. Minberg

Lawrence S. Ottinger

James A. Hermes

PEOPLE FOR THE AMERICAN WAY

ACTION FUND

2000 M St., NW

Washington, DC 20036

(202) 467-4999

December 9, 1997